

Application No. 09/941,151
Amendment dated September 24, 2004
Pending Appeal

Remarks

The Examiner has considered the new claims 85-110 as directed to inventions distinct from what is claimed in the elected claims and has withdrawn them from consideration. These claims are canceled.

The Examiner had objected to the color drawings, which include screen prints of computer displays. Non-color replacement drawings were submitted with the amendment of June 2, 2004, and approved by the Examiner in the Advisory Action of August 31, 2004. These overcome the objection stated in the Office Action.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the term "feedback information" because the word "feedback" does not appear in the specification. Claims 49-62 and 84 were rejected as indefinite on the basis that "feedback" lacks antecedent basis. Rather than amend the specification, Applicant has taken a simpler approach of changing and deleted the term "feedback" from independent claim 49, which now recites "communicating, from the person viewing the display, information * * *." Then, in the dependent claims, "the feedback information" is replaced with "the information communicated from the person viewing the display".

The Examiner has rejected claims 49-62 under 35 U.S.C. §112 for the reason that the specification does not use the term "custom design". The problem with claim 49 arose when the claim was amended after the first office action, which found no §112 problems present in original claim 49. To overcome the rejection of claim 49 without raising any new issues, claim 49 is being amended back to the form it had before that first office action, with the exception of the correction referred to in the paragraph above. Claims 50, 52, 57 and 62 are further being amended in accordance with the corrections required by the examiner. It is submitted that this overcomes the rejections under §112.

The sole art rejection, that of claim 63 under 35 U.S.C. §102(b), is being overcome by canceling claim 63. Claim 63 was rejected over Applicant's earlier patent 5,431,562. The Examiner is interpreting the "means" of claim 63 broadly to include any means capable of being used to perform the method of claim 49, even though the method claim 49 is not anticipated by the reference. Because this raises issues that can be better resolved in a divisional application containing other apparatus claims that have been withdrawn, Claim 63 is being canceled without prejudice from the present application.

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Applicants enclose a Petition for Extension of Time and a check for \$110. Applicants believe that no other fees are due in connection with this submission. However, if an additional extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Applicant respectfully submits that the claims, as amended, are allowable, and that the application is otherwise in condition for allowance. Accordingly, an early allowance is requested.

Respectfully submitted,

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